

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

MARTIN GOTTESFELD

16-CR-10305-NMG

**UNITED STATES' REQUEST FOR *VOIR DIRE***

In addition to the Court's customary introduction to, and questions of, the jury, the United States respectfully requests that the Court ask prospective jurors the following *voir dire* questions:

1. This is a federal criminal case brought in the name of the United States of America. The federal government comprises many agencies and departments, including the Department of Justice, the United States Attorney's Office, and the Federal Bureau of Investigation. Have you, a member of your family, or anyone close to you ever had any dealings with the federal government, including these entities, whether favorable or unfavorable, which might influence your consideration of the evidence in this case?

2. Have you, a member of your family, or anyone close to you ever been treated as a patient at, or had any dealings with, the Boston Children's Hospital or Wayside Youth and Family Support Network, whether favorable or unfavorable, which would affect your ability to evaluate fairly the evidence in this case?

3. Have you, a member of your family, or anyone close to you ever received residential or in-patient treatment for psychiatric or behavioral issues?

4. You will hear evidence in this case related to a child custody dispute involving a teenager named Justina Pelletier. Are you familiar with news reporting about the dispute?

5. Have you, a member of your family, or anyone close to you ever had interactions with either the Massachusetts Department of Children & Families (“DCF”), the Massachusetts juvenile court system, or similar agencies and courts in other states, whether favorable or unfavorable, which might affect your ability to evaluate fairly the evidence in this case?

6. Have you, a member of your family, or your employer ever been the victim of a cyber attack that might affect your ability to evaluate fairly the evidence in this case?

7. Do you rely on social media providers like Twitter and Facebook to obtain news about current events?

8. During the trial, you will hear evidence about a group that refers to itself as Anonymous and about its alleged role in the offense charged in the indictment. Have you had any interactions, whether favorable or unfavorable, or do you have any opinions, whether favorable or unfavorable, about Anonymous that would affect your ability to evaluate fairly the evidence in this case?

9. Have you, a family member, or someone close to you had an experience, favorable or unfavorable, with a law enforcement official or with the criminal justice system that might affect your ability to evaluate fairly the evidence in this case?

10. Have you, a member of your family, or someone close to you ever been involved in the criminal justice system, either as a prosecutor, defense attorney, employee of a prosecutor’s office or defense attorney, probation officer, court officer or court clerk?

11. Have you, a family member, or someone close to you ever been involved in a criminal case as either a victim, a witness, or a person charged with a crime?

12. Have you, a family member, or someone close to you had an experience, favorable or unfavorable, with a law enforcement official or with the criminal justice system that might influence your consideration of this case?

13. At the end of the case, the jurors will be asked to deliberate and decide, unanimously, whether the defendant is guilty or not guilty. Some people, for religious or other reasons, think that one person should not sit in judgment of another person. Do you have any beliefs or strong feelings that will make it difficult for you to sit in judgment and reach a verdict in this case?

14. At the end of the case, I will instruct you on the law you are to apply. Jurors are obligated to follow the law told to them by the trial judge. Do you have any concerns that you might not be able to follow the law, as instructed by me, if you do not agree with the law or the legal principles I tell you to apply?

15. The purpose of all of these questions is to collect information about the prospective jurors to the Court and parties pick a fair and impartial jury.

a. Do any of you have any other beliefs or views that could make it difficult for you to render a fair verdict in this case?

b. Is there anything else about you, your family, background, work, life experiences, or beliefs, that you think the parties should know which might help them pick a fair and impartial jury?

Respectfully submitted,

ANDREW E. LELLING

By: /s/ Seth B. Kosto  
Seth B. Kosto  
David J. D'Addio  
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: July 13, 2018

/s/ Seth B. Kosto  
Seth B. Kosto